

REMARKS

Claims 1-12 are pending in the application and stand rejected.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and confirming receipt of the certified copy of the priority document. Additionally, Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statement filed April 2, 2004, and accepting the drawings filed on April 2, 2004.

Claim Rejections - 35 U.S.C. § 101

Claims 9, 11 and 12 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Applicant respectfully submits the present amendments to claims 9, 11 and 12 obviate this rejection.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 5, 6 and 9-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Terashita (US 2002/0,140,825) (cited in the IDS filed April 2, 2004).

Terashita relates to an image processing method for carrying out image processing on digital image signals under different image processing conditions based on the kind of digital camera that obtained the digital image data. (par. [0011]). Terashita utilizes various means for determining what kind of digital camera obtained the image data, including: manually inputting the kind of camera; attaching a tag to the image data indicating the camera kind; and using statistical information to presume various color/shading parameters, i.e., mean values of image data from a particular camera. (par. [0014, 0016-0018]).

Claim 1 recites, *inter alia*, carrying out classification of models of digital cameras into groups of predetermined level ranges according to level of a

characteristic of image data due to the models of the digital cameras that obtained the image data.

In the rejection, the Examiner cites paragraphs [0008] through [0011] as disclosing this feature. However, this portion of Terashita merely discloses that image processing is carried out on digital image signals under different processing conditions in accordance with the kinds of digital cameras. This portion does not disclose the classification of digital cameras into groups of predetermined levels of ranges according to a level of a characteristic of image data. In fact, while Terashita may disclose several methods of determining a kind of camera, none of Terashita's methods classify models of digital cameras into groups of predetermined level ranges.

In particular, Terashita relies on the following methods for determining the kind of digital camera:

- (1) inputting of the kind of camera in an inputting means (par. [0017-0019]);
- (2) appending tag information indicative of a camera kind to the to the digital image signal (par. [0030]); and
- (3) using statistical information to presume various parameters for a kind of camera (par. [0044]).

Notably, (1) and (2) above do not disclose any classification of models of digital cameras into groups of predetermined level ranges according to a level of a characteristic of image data. Rather, these portions of Terashita rely on a camera classification recording means 8. (par. [0031]). This camera classification recording means 8 stores pieces of information representing image processing conditions that vary for each different kind of camera. (*Id.*). No classification into predetermined level ranges is disclosed.

Additionally, regarding the use of statistical information as in (3) above, Terashita discloses that statistical information with respect to digital image signals S (taken from the same kind of camera) may be recorded. (par. [0044]). Thus, statistical information is recorded for each camera kind. To determine the kind of camera associated with a digital image signal mean values of a plurality of images are determined and integrated to obtain a certain value. (*Id.*) Thereafter, correction values and parameters may be calculated based on this statistical information such that the digital image signal S can be reproduced as an image based on the statistical information. (*Id.*) However, nowhere in Terashita's statistical information image processing is it disclosed that digital cameras are classified into groups of predetermined level ranges according to a level of a characteristic of image data due to the models, as required by claim 1.

In conclusion, none of the methods disclosed in Terashita disclose "carrying out classification of models of digital cameras into groups of predetermined level ranges according to level of a characteristic of image data," as recited in claim 1.

Consequently, Applicant respectfully submits Terashita fails to disclose all the features recited in claim 1. Additionally, because claims 5 and 9 recite a feature similar to the feature of claim 1 discussed above, Applicant submits claims 5 and 9 are allowable for the at least the same reasons set forth above. Furthermore, Applicant submits claims 2, 6 and 10-12 are allowable, at least by virtue of their dependencies.

Claim Rejections - 35 U.S.C. § 103

Claims 3, 4, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terashita.

The Examiner contends that Terashita discloses most of the features of claims 3-4 and 7-8, but concedes Terashita fails to disclose the image processing method wherein the digital cameras are built into mobile phones. To compensate for this deficiency, the Examiner takes Official Notice that it is well-known and expected in the art to build cameras into mobile phones in order to consolidate many devices into one.

In response, Applicant submits that because the Examiner's Official Notice fails to compensate for the deficiencies of Terashita as set forth above with regard to claims 1, 5 and 9, claims 3, 4, 7 and 8 are allowable, at least by virtue of their dependencies.

New Claims


New claims 13-21 are added by this Amendment and submitted to be allowable, at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: January 4, 2008